



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,141	04/23/2001	Shuichi Shiitani	1359.1044	1624

21171 7590 11/23/2005

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

GART, MATTHEW S

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,141

Applicant(s)

SHIITANI ET AL.

Examiner

Matthew S. Gart

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 11-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Prosecution History Summary

Claims 1-22 are pending in the instant application. Claims 11-16 were withdrawn from consideration. Claims 19 and 20 were amended per the applicant's response filed on 7/25/2005. New claims 21 and 22 were added per the applicant's response filed on 7/25/2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maes (U.S. Patent Application Publication No. 2002/0002502) in view of Linden (U.S. Patent No. 6,912,505).

Referring to claim 1. Maes discloses an online shopping method, comprising:

- Previously generating/preparing article data in which features of an article and a data sending rank are related to each article picture as additional information (Maes: paragraph 0048 through paragraph 0050);
- Upon receiving an article search by a user, generating article picture arrangement data in which article pictures similar to each other in the features

are disposed at close positions, as search results of the article data (Maes: paragraph 0051 through paragraph 0052 and Figure 5);

- Sending the article picture arrangement data to a user terminal (Maes: paragraph 0051 through paragraph 0052); and
- At the user terminal, displaying each article picture data at each arrangement position on a screen of search results in a receiving order (Maes: paragraph 0054 through paragraph 0055).

Maes does not expressly disclose "sending the article picture arrangement data to a user terminal so that each article picture data is sent in accordance with the data sending rank, thereby displaying an article picture with a higher data sending rank earlier at the arrangement position." Linden discloses a method of displaying an article picture with a higher data sending rank earlier at the arrangement position (Linden: Figure 2). At the time of the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Maes to have included the teachings of Linden because aspects of Maes invention can incorporate features of other systems in order to suggest exploratory choices (Maes: paragraph 0124).

Referring to claim 2. Maes further discloses an online shopping method wherein the features of the article are any one selected from the group consisting 'of features of an article picture of the article, a keyword representing the features of the article, and article classification information regarding classification of the article in accordance with the features thereof, or a combination thereof (Maes: paragraph 0048 through paragraph 0052).

Referring to claim 3. Maes further discloses an online shopping method wherein the data sending rank is determined by an article provider (Maes: paragraphs 0050).

Referring to claim 4. Maes further discloses an online shopping method wherein a service user previously selects items to be considered in purchasing an article and notifies a service provider of the selection, and the service provider determines the data sending rank in accordance with the notified items (Maes: paragraph 0054).

Referring to claim 5. Maes further discloses an online shopping method wherein a service provider previously analyzes items considered by a service user based on a past search history and a past purchase history of the service user, and the service provider determines the data sending rank in accordance with the analyzed items (Maes: paragraph 0097).

Referring to claim 6. Maes further discloses an online shopping method wherein a screen of article search results is presented to an article provider, and the article provider specifies a picture of an article which the article provider provides on the presented screen of article search results, thereby making it possible to access selling information of the article (Maes: Figure 3 through Figure 6).

Referring to claim 7. Maes further discloses an online shopping method wherein the data sending rank is determined by an article provider ((Maes: paragraph 0048 through paragraph 0052).

Referring to claim 8. Maes further discloses an online shopping method wherein a service user previously selects items to be considered in purchasing an article and notifies a service provider of the selection, and the service provider determines the data

sending rank in accordance with the notified items (Maes: paragraph 0054 through paragraph 0055).

Referring to claim 9. Maes further discloses an online shopping method wherein a service provider previously analyzes items considered by a service user based on a past search history and a past purchase history of the service user, and the service provider determines the data sending rank in accordance with the analyzed items (Maes: paragraph 0097).

Referring to claim 10. Maes further discloses an online shopping method wherein a screen of article search results is presented to an article provider, and the article provider specifies a picture of an article which the article provider provides on the presented screen of article search results, thereby making it possible to access selling information of the article (Maes: Figure 3 through Figure 6).

Referring to claims 17-20. Claims 17-20 are rejected under the same rationale as set forth above in claims 1-10.

Referring to claims 21-22. Claims 21-22 are rejected under the same rationale as set forth above in claims 1-10.

Response to Arguments

Applicant's arguments filed 7/25/2005, in response to the rejection under 35 U.S.C. 101 of claims 19 and 20 is persuasive

The Applicant's arguments filed 7/25/2005, in response to the rejection under 35 U.S.C. 102(e) as being anticipated by Maes U.S. Patent Application US2002/0002502 is persuasive. The examiner notes, Maes does not expressly disclose "sending the article picture arrangement data to a user terminal so that each article picture data is sent in accordance with the data sending rank, thereby displaying an article picture with a higher data sending rank earlier at the arrangement position."

However, the Applicant argues that Maes does not teach or suggest, "generating article picture arrangement data in which article pictures similar to each other in the features are disposed at close positions, as search results of the article data."

The Examiner notes, **FIG. 4** of Maes expressly shows generating article picture arrangement data in which article pictures similar to each other in the features are disposed at close positions, as search results of the article data. Referring briefly to **FIG. 3**, Maes discloses an example of the use of an internet-based embodiment of the invention. The example is based on a user who is in the market for a new car. As shown in **FIG 3**, initially upon accessing the user interface, the user sees what appears to be, and in fact is, a random sampling of available products. After which, the user is instructed to select one or more products that he/she likes. The user then clicks on the new selection initiation button **284** to see additional products. Clicking on the new

Art Unit: 3625

selection initiation button **284** results in the identification of a new set of product choices for the user to choose from. Referring now to **FIG. 4**, these new selections of products **285** contain similar traits (traits that were previously presented and chosen by the user) and are disposed at close positions, as search results of the article data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MSG
Patent Examiner
November 16, 2005